

MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY – OCTOBER 28, 2013

The regular meeting of the Town Council was called to order at 7:05 p.m. by Patti Adams, Mayor. Those in attendance were Mayor Adams, Stacey Long, Town Administrator; Vice Mayor Truitt, Councilman Connor, Councilwoman Flowers, Councilman Hansken, Sgt. Litten of Dagsboro PD, Attorney Rob Witsil, Engineer Kyle Gulbranson and those as listed on the sign in sheet.

New Business:

1. Consideration of renewing Premium Protection Plan with Brasure's Pest Control: The price is \$360.00 which is \$10 more than last year. We have no problems with the service they provide and the cost covers the both town hall and the police station buildings. Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to renew the pest control contract with Brasure's Pest Control. All in favor. Motion carried.
2. Appointment of Board of Election Members – Inspector/Judge/Judge: The 3 volunteers this year are returning members; Marji Eckerd and Nancy Marvel and newcomer Meri Jo Montague who is a newcomer to the Board. Motion was made by Councilwoman Flowers and seconded by Councilman Connor to appoint Ms. Eckerd as the Judge and appoint both Ms. Marvel and Ms. Montague as inspectors. All in favor. Motion carried.
3. Consideration of authorizing Sussex County to apply for the CDBG funding on behalf of the Town. If accepted, the public hearing will be held on December 9th during the Town Council meeting: The Town currently has 4 homeowners that meet the eligibility requirements to apply for the CDBG for home repair and renovations. There will be a representative from the county CDBG program at the December 9th Public Hearing to discuss details of the program. The town pays for the advertising of the hearing but everything else it strictly between the homeowner and the County.

Old Business:

1. Consideration of request for a sign for the Indian River High School property: Vice-Mayor Truitt commented that the IRHS Alumni Association is continuing with the selection of a sign for the entrance to Indian River High School on Armory Road. All the signs being looked at exceed the size limits and have LED lighting. The costs associated with these signs range from \$35,000 to \$50,000 which does not included the brick masonry and landscaping portion of the installation. Attorney Witsil interjected that there are Code issues as far as the LED lighting is concerned, but with limitations on content an approval might be possible. Kyle Gulbranson of URS commented that this type of sign is widely used now and the distraction factor can be a minimum when limits are placed on the signs. He has guidelines that have been recently adopted by other towns that we could use as guides for our own purposes. Due to the cost of the project there is time to get everything sorted out before actual placement of the sign as this will be funded through fundraisers and private donations. As there was no one from the Alumni Association at the meeting, Vice-Mayor Truitt will get more information before the next meeting and at that time there should be a representative in attendance.

Water Department:

- 1 Consideration of check valve quote from Dagsboro Electric and Plumbing for installation at Savannah Square's 4 buildings: The town received a quote from Dagsboro Electric and Plumbing for 4 check valves to be in used at Savannah Square. Rick Davis of URS is reviewing the quote now for type of materials used and production information of the meters. The meters can cost between \$15 and \$60 each. The quote was not detailed so we have requested more information and we should have this for the next meeting.
- 2 Review and consideration of Water Tank Maintenance program: Attorney Witsil has reviewed the \$17,000.00 +/- CPI adjustment contract for the water tank maintenance program and had the questions about in year 1: "disposal of debris, on the shell man way, from the interior cleaning to be done at the town's expense. " (What is the Shell Man way) is it the catwalk on the tank or is it on the ground? What would the estimated cost of this be? How much material is involved? In year 2 "power washing the exterior of the tank to clean the rust prior to the application of the primer to the bare metal before the single coat of finish coat paint is applied." If a second coat of finish paint is needed, what would the additional cost be? With the yearly cost being so high and the amount of work in the first few years so substantial it might be in the best interest of the town to do the program at least through the end of the penalty phase of the contract when we are sure to receive the most benefit for our money. Stacey will contact Southern Corrosion to get the answers to the questions so they can be addressed at the next meeting.
- 3 Presentation of Water Report: Stacey, Brad, Norwood and Kyle met with the Town Manager, Asst. Town Manager and Mayor of Millsboro on October 10th to ask them to consider a refund or credit for the gallons of water that have been over billed to the town. The officials present did comment on the quality of the presentation but as the next council meeting for Millsboro is not until November 4th no information was available but we should know something shortly thereafter.
- 4 Status update on 28401 Clayton Street water connection: Chapel Crossing and County Bank went to settlement last week with deed in lieu of foreclosure and at this time all outstanding fees for water impact fees, meter fees and taxes due to the town have been paid, including the 2 properties on Clayton Street and they will be connected to town water and also getting the quick connects installed on the hydrants. Stacey has been working with the bank vice-president and he has been very helpful. Wilgus Associates is the HOA representative and takes care of the irrigation and pool.

Police Department:

1. Presentation of Police Report: Sgt. Litten presented the police report and commented that the numbers on the statistical report were lower due to the department being short staffed, trying to find a replacement officer and time spent with the DEA strike force on a local drug investigation which resulted in the confiscation of heroin, cocaine and marijuana and cash. Ofc. Kurten apprehended local fugitives in the Cea-Dag/1st State underground vicinity for trespassing and other charges. Chief Toomey is back from military leave and will be resuming his duties in town next week. Mayor Adams, Stacey Long, Town Administrator and the Council thanked Sgt. Litten for an outstanding job performance in the Chief's absence.

Administrative/Financial/Code Enforcement:

1. **Presentation of Administrative Report:** Trick or Treat will be Thursday October 31, 2013 from 6-8 p.m. for children 12 and under in costume. The Chapel Crossing letters of credit #165 has been approved for \$41,683.20 to finish the roads and will expire on October 3, 2014 and #166 has been terminated since the water construction of Phase 1 has been completed. The town has received approval for the surface water matching grant that was applied for and the contract needs to signed and returned. URS will be doing the study which will review each structure and condition of the catch basins and culverts along with photos of these areas. Some of the storm drains are flowing properly but there are some which we have no idea of where they are draining to. Stacey reported that she has continued speaking with a gentleman regarding the property at 29118, the old Cooper Bearing building concerning permitted uses. He will be meeting with Planning and Zoning on November 13, 2013 concerning the possibility of using the property for an events hall, restaurant, art studio and/or storage facility. Stacey has also had inquiries concerning the PRMC office building out on the highway, to be used as a daycare center when the doctor's office moves to Peninsula Crossing. Attorney Witsil will not be able to attend the scheduled November 18th meeting and due to Veteran's Day being the week before and the close proximity of the December meeting on December 9th. A motion was made by Councilman Connor and seconded by Councilwoman Flowers to cancel the November meeting. Stacey also reported the site plan review funds have been refunded to Riverview Associates for the General Green project since it has sunsetted.
2. **Presentation of Treasurer's Report:** General checking \$181,420.50, Public Service Money Market \$3,955.99, Police Grant account \$4,278.79, Police money market account for the 4th year payroll of the hiring grant \$6,027.00, Property Transfer account \$31,399.13 and 3 CD'S of \$27,881.69, \$46,738.25 and \$5,091.38. MSA checking and savings \$17,556.62. PGCC checking, \$565.45, savings \$3,766.95 and 3 CD'S of \$32,693.51, \$ 44,672.84 and \$31,721.74. SALLE/EIDE \$583.36. Water checking \$74,744.24, Impact fee account \$190,338.06 and reserve account \$34,634.02. Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to accept treasurer's report. All in favor. Motion carried.
3. **Presentation of Building Official & Code Enforcement Report:** 3 permits were issued for a 6x18 deck on Clayton Street, window replacement on Main Street and a kitchen remodel on Vines Creek Road. 3 Certificates of Completion for a deck on Clayton Street, a shed on King George III Street and a shed on Main Street. Certificates of Occupancy for single family homes at 313 King George III, 307 King George III Street and 413 Queen Anne Street, a utility room addition on Clayton Street and 1 for old work for a family room and garage on New Street. Councilwoman Flowers stated that the King property on Main Street appears to have broken windows upstairs and down. Stacey said that there are open permits for work on the property she will check with Mr. King to check the progress of the work. Attorney Witsil made comment that the Court of Chancery had contacted him regarding the work as well and whether or not the Town is moving forward with the legal process of non-compliance. Does the town want to move forward with other homes in town that are in serious violation of the building code? The new owner of the Petrashune property on Main Street has voiced serious complaints regarding the Marconi property next to him. The Marconi property has 2 buildings in the back that are in disrepair and the building in the front is rented as 2 apartments 1 up and 1 down, but Mr. Marconi does not have a rental license and does not pay the Gross Rental Receipts Tax. The town will start the process by sending a letter to Mr. Marconi and since the town does not have a good phone # and all Certified Mail is refused, Sgt. Litten said that he would be able to assist with getting the letter to Mr. Marconi. The condition of the Zier

property was brought up as was the LaBamba building next door, but as a priority the Marconi property will be addressed first.

4. **Status update on moving forward with utilizing the DELJIS system to assist in the enforcement of Towns Codes:** Attorney Witsil presented a draft ordinance amending the town's code Chapter 1 for Civil non-criminal violations and fines of \$100 for the first offense and \$250 for subsequent charges along with the provisions to either pay the assessment to the town by a specific date or take the matter to court. This will be seen as a way to take care of a problem and not allowing it to linger unaddressed. This amendment is only for property issues and does not relate in any way to parking, speeding or any other motor vehicle violations which are criminal offenses. This draft ordinance will be further discussed at the next town council meeting. Then Attorney Witsil will rework this amendment according to Council comments and suggestions and have it ready for the following meeting so that it might be voted on at a Public Hearing in January.
5. **Correspondence:** A thank you letter has been received from DelDOT regarding the comments made by the town concerning the Rt 113 North/South Study, stating that our comments would be made a part of the project's permanent record.

Approval of Minutes: September 17, 2013 – Special Meeting: A motion was made by Councilman Connor and seconded by Councilwoman Flowers to approve the minutes of the September 17th special meeting. All in favor. Motion carried.

September 23, 2013 – Town Council Meeting: A motion was made by Councilman Connor and seconded by Vice-Mayor Truitt to approve the minutes of the September 23rd town council meeting. All in favor. Motion carried.

Executive Session: Sgt. Litten stated during his report that there would be no need for this session.

Stacey commented that the Solicitation of Candidates for the 3 seats open for this year's election currently held by John Hansken, Cathy Flowers and Mayor Adams opened on October 23rd and the deadline to file is November 14th at 4:30 p.m. The deadline for voter registration is November 15th at 4:30 p.m. Stacey mentioned also that Miller and Lewis have completed the survey for Prince Georges Chapel Cemetery.

Adjournment: A motion was made at 8:18 p.m. by Councilwoman Flowers to adjourn and seconded by Vice-Mayor Truitt. All in favor. Motion carried

Respectfully Submitted

Duane Kenton

Town Clerk